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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,972	05/25/2001	Dan Stanek	0112690-045	3436

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William E. Vaughan
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

EXAMINER

VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,972

Applicant(s)

STANEK ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 10 and 11 are objected to because of the following informalities: claims appear to be duplicate claims. Cancellation of one of the claims is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US/ 2,809,254 to Edsall.

Regarding claims 1 and 12-15, Edsall disclosed (Fig. 6) a diagnostic blown fuse indicator for a fuse having connected in series a short circuit element (A) and a current overload element (B), comprising:

a short circuit indicator (40) electrically communicating in parallel with the short circuit element (A), wherein the short circuit indicator (40) provides visual indication of a short circuit condition; and

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a current overload indicator (41) electrically communicating in parallel with the current overload element (B), wherein the current overload indicator (41) provides visual indication of an overload condition (column 5, lines 14+).

Regarding claim 16, Edsall disclosed (Fig. 1), that the overload element includes a solder (13) in electrical communication with the short circuit element.

Regarding claim 17, Edsall disclosed that the short circuit element (18) define slots (Fig. 1a).

Regarding claim 18, Edsall disclosed that said short and overload circuit indicators electrically communicate with end caps of the fuse (Fig. 1 and 2 of US/2,794,095 to Kozacka, which is incorporated by reference in the disclosure of Edsall (see Edsall, column 5, lines 28+)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-11 and 19-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/2,809,254 to Edsall in view of the Admitted Prior Art (disclosure of the instant application).

Regarding claims 2-11 and 19-22, Edsall disclosed all of the claims limitations as apply to claims 1 and 12, respectively, and further that said short and overload indicators (40, 41) may be of any conventional design (column 5, lines 18+), but did not specify that said indicators are:

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indicators having transparent lenses, indicators coated with vaporizable chemical composition, indicators having a gun cotton and an igniter wire, indicators comprising LED's, or indicators having labels with conductive and temperature responsive layers.

The Applicant admitted (disclosure of the instant application, p. 2, lines 3-30 and p. 3, lines 1-21), that all of the aforementioned fuse indicators have been known in the fuse art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to substitute fault indicators of Edsall with any of the aforementioned known fault indicators as taught by the Applicant's Admitted Prior Art (Applicant's disclosure (p. 2, lines 3-30 and p. 3, lines 1-21)), in order to adapt said fuse of Edsall for a particular specific application.

Regarding claim 23, Edsall disclosed (Fig. 6) a diagnostic blown fuse indicator for a fuse having both a short circuit element (A) and a current overload element (B), comprising:

a short circuit indicator (40) electrically communicating in parallel with the short circuit element (A), wherein the short circuit indicator (40) provides visual indication of a short circuit condition; and

a current overload indicator (41) electrically communicating in parallel with the current overload element (B), wherein the current overload indicator (41) provides visual indication of an overload condition (column 5, lines 14+), but did not disclose that said overload and short circuit indicators are coated with chemical composition adapted to vaporize upon occurrence of the fault conditions.

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The Applicant admitted (disclosure of the instant application, p. 2, lines 12-20), that such chemically coated fuse indicators have been known in the fuse art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to substitute fault indicators of Edsall with chemically coated indicators as taught by the Applicant's Admitted Prior Art (Applicant's disclosure (p. 2, lines 12-20)), in order to enhance the visibility of the condition of the fuse.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/4404536, 3453580, 737280, 2164658, 2206784, 3047695, 3729656, 4156225, 4527143, 4760367, 5113169, 4058784, 3721936, 5001451, and 3678430 disclosed various status fuse indicators.

US/3116390, 3253104, 5343185, 4782317, and 4308515 disclosed dual element fuses.

US/3585555, 5032946, and 4484185 disclosed fault-indicating systems for electrical devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A.V.
August 19, 2002

A handwritten signature in cursive script, appearing to read "A. Vortman", followed by a horizontal line.

Anatoly Vortman
Primary Examiner
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